

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing Of Claims

1. (currently amended) An intramedullary nail for use with a first fastener and a second fastener for use in orthopaedic surgery, said nail comprising a body defining a longitudinal axis thereof, the body having a continuous edge defining an aperture therethrough, the continuous edge having opposed straight parts and a curved parts, the aperture having a first portion defined by the opposed straight parts of the continuous edge for cooperation with the first fastener to provide dynamic fixation and having two spaced cylindrical end portions~~a second portion~~ defined by the curved parts of the continuous edge for cooperation with the second fastener to provide static fixation, the first portion of the aperture lying between the cylindrical portions of the aperture, the cylindrical portions of the aperture having widths greater than the distance between the opposed straight parts of the continuous edge defining the first portion of the aperture.

2. (currently amended) The intramedullary nail of claim 1, wherein the opposed straight parts of the continuous edge define~~aperture has~~ a rectangular central section ~~and a cylindrical end section adjoining the rectangular central section.~~

3. (currently amended) The intramedullary nail of claim 2, wherein the cylindrical end sections are~~section is~~ adapted to matingly fit with the first fastener.

4. (currently amended) The intramedullary nail of claim 2, wherein the cylindrical end sections are~~section is~~ adapted to one of slidable fit and threadable fit with the first fastener.

5. (original) The intramedullary nail of claim 1, wherein the aperture is adapted to provide for a slidable fit of the first fastener with said body along the longitudinal axis of said body.

6. (canceled)

7. (currently amended) The intramedullary nail of claim [[6]] 1:

wherein said body adjacent the first mentioned cylindrical end defines internal threads therein; and

wherein said body adjacent the second cylindrical end defines internal threads therein.

8. (currently amended) The intramedullary nail of claim 1, further comprising a resorbable component received within one of the cylindrical portions of the aperture and engaging the parts of the edge defining the cylindrical portion of the aperture~~for cooperation with said body adjacent the aperture.~~

9. (previously presented) The intramedullary nail of claim 8:

wherein said body comprises internal threads formed in the body adjacent the aperture; and

wherein said resorbable component comprises external threads formed thereon for cooperation with internal threads of said body.

10. (previously presented) The intramedullary nail of claim 1, wherein the aperture defines a slot axis thereof, the slot axis being perpendicular to the longitudinal axis of said body.

11. (currently amended) A kit for use in orthopaedic surgery, the kit comprising:

a first fastener comprising a shank having maximum outer diameter;

a second fastener comprising a shank having a maximum outer diameter; and

an intramedullary nail comprising a body ~~defining a longitudinal axis thereof, the body having two ends and an edge~~ defining an aperture therethrough, the ~~edge being spaced from the two ends and including aperture having a first~~ substantially parallel parts defining a first portion of the aperture sized and shaped to cooperate~~portion for cooperation~~ with said first fastener to provide dynamic fixation and ~~having a second curved part extending from and connected to said first substantially parallel parts defining a curved portion of the aperture sized and shaped to cooperate for cooperation~~ with said second fastener to provide one of static fixation and dynamic fixation, the second curved portion of the aperture having a width greater than the distance between the first substantially parallel parts of the edge defining the first portion of the aperture;

wherein the maximum outer diameter of the shank of the first fastener is less than the distance between the first substantially parallel parts of the edge defining the first portion of the aperture; and

wherein the maximum outer diameter of the shank of the second fastener is greater than the distance between the first substantially parallel parts of the edge defining the first portion of the aperture.

12. (currently amended) The kit of claim 11, wherein the first substantially parallel edges of the aperture define~~has~~ a rectangular central section and the second curved portion of the aperture defines a cylindrical end section adjoining the rectangular central section.

13. (currently amended) The kit of claim 12, wherein the cylindrical end section is adapted to matingly fit with the ~~second~~first fastener.

14. (currently amended) The kit of claim 12, wherein the cylindrical end section is adapted to one of slidable fit and threadable fit with the ~~second~~first fastener.

15. (currently amended) The kit of claim 11, wherein the body has a longitudinal axis extending through at least one of the ends of the body and wherein the aperture is

adapted to provide for a slidable fit of the first fastener with said body along the longitudinal axis of said body.

16. (previously presented) The kit of claim 12, wherein the aperture further includes a second cylindrical end section opposed to the first mentioned cylindrical end section.

17. (original) The kit of claim 16:

wherein said body adjacent the first mentioned cylindrical end defines internal threads therein; and

wherein said body adjacent the second cylindrical end defines internal threads therein.

18. (original) The kit of claim 11, further comprising a resorbable component for cooperation with said body adjacent the aperture.

19. (previously presented) The kit of claim 18:

wherein said body comprises internal threads formed in the body adjacent the aperture; and

wherein said resorbable component comprises external threads formed thereon for cooperation with the internal threads of said body.

20. (currently amended) The kit of claim 11, wherein the aperture defines a slot axis thereof, the slot axis being perpendicular to the longitudinal axis of said body.

21. (currently amended) A method for use in orthopaedic surgery comprising:

providing an orthopaedic surgery kit including a first fastener comprising a shank having a maximum outer diameter, a second fastener comprising a shank having a maximum outer diameter greater than the maximum outer diameter of the first fastener, and an intramedullary nail having a body defining a longitudinal axis thereof, the body

having an edge defining an aperture therethrough, the aperture having a first portion for cooperation with the first fastener to provide dynamic fixation and having a second portion extending from and connected to the first portion for cooperation with the second fastener to provide static fixation, the edge continuing around and defining both the first and second portions of the aperture;

cutting an incision in the patient;

preparing a bone cavity;

inserting the nail into the cavity;

choosing one of static fixation and dynamic fixation for the surgery;

selecting one of the first fastener and the second fastener based on the choice of one of static fixation and dynamic fixation for the surgery; and

securing the chosen one of the first fastener and the second fastener into the nail, wherein the maximum outer diameter of the second fastener is greater than the width of the first portion of the aperture, and wherein the first fastener is secured in the first portion of the aperture if dynamic fixation is chosen and the second fastener is secured in the second portion of the aperture if static fixation is chosen.

22. (currently amended) A kit for use in orthopaedic surgery, the kit comprising a first fastener including a shank having a maximum outer diameter, a second fastener including a shank having a maximum outer diameter, a third fastener including a shank having a maximum outer diameter, and an intramedullary nail for use in orthopaedic surgery, said nail comprising: a body having a first end, a second end and defining a longitudinal axis and a transverse axis thereof, the transverse axis being normal to the longitudinal axis, the body an edge defining an aperture therethrough, the edge defining the aperture being spaced from the first and second ends and having a curved part and opposed straight parts, the curved part of the edge extending for more than 180 degrees, the aperture being substantially longer in the longitudinal axis than in transverse axis, the aperture defining an enlarged portion thereof along the longitudinal axis curved edge, the enlarged portion having a diameter, the aperture having a constricted portion adjacent and connected to the enlarged portion defined by the two opposing straight parts of the edge,

the diameter of the enlarged portion being greater than the distance between the two opposing parts of the edge defining the constricted portion of the aperture;

wherein the maximum outer diameter of the shank of the first fastener is less than the distance between the two opposing parts of the edge defining the constricted portion of the aperture to allow for dynamic fixation when the first fastener is used with the intramedullary nail;

wherein the maximum outer diameter of the shank of the second fastener is great enough to allow for static fixation when the second fastener is placed in the enlarged portion of the aperture;

wherein the maximum outer diameter of the shank of the third fastener is less than the maximum outer diameter of the shank of the second fastener and greater than the distance between the two opposing parts of the edge defining the constricted portion of the aperture;

wherein the first fastener and the constricted portion of the aperture are sized to allow for dynamic fixation with a degree of relative movement allowable between bone parts and the third fastener and the enlarged portion of the aperture are sized to allow for dynamic fixation with a lesser degree of relative movement allowable between bone parts.

23. (currently amended) The intramedullary nail of claim 22:

wherein the aperture has a rectangular central section; and

wherein the enlarged portion is in the form of a generally cylindrical section and is positioned adjacent an end of the rectangular central section of the aperture.

24. (currently amended) The intramedullary nail of claim 23:

~~further including a fastener for cooperation with the body; and~~

wherein the cylindrical section of said body is adapted to matingly fit with said second fastener.

25. (currently amended) The intramedullary nail of claim 24, wherein the cylindrical section is adapted to ~~one of~~ slidably fit with said first and third fasteners and threadably fit with said second fastener.

26. (currently amended) The intramedullary nail of claim 24, wherein the body has a longitudinal axis extending through at least one of the first and second ends and wherein the aperture is adapted to provide for a slidable fit of said fastener with said body along the longitudinal axis of said body.

27. (original) The intramedullary nail of claim 23, wherein the aperture further includes a second enlarged cylindrical section opposed to the first mentioned cylindrical section.

28. (original) The intramedullary nail of claim 27:
wherein said body adjacent the first mentioned cylindrical section defines internal threads therein; and
wherein said body adjacent the second cylindrical section defines internal threads therein.

29. (original) The intramedullary nail of claim 22, further comprising a resorbable component for cooperation with said body adjacent the aperture.

30. (original) The intramedullary nail of claim 29:
wherein said body comprises internal threads formed in the body adjacent the aperture; and
wherein said resorbable component comprises external threads formed thereon for cooperation with the internal threads of said body.

31. (previously presented) The intramedullary nail of claim 22, wherein the enlarged portion is adjacent an end of the aperture.

32. (new) The kit of claim 11 further comprising a third fastener including a shank having a maximum outer diameter less than the width of the curved portion of the aperture and greater than the distance between the first substantially parallel parts of the edge defining the first portion of the aperture.